

AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2191

Introduced by Assembly Member Norby

February 23, 2012

An act to amend ~~Sections 81009.5, 82013, 82023, and Section 85703~~ of, *and to add Section 84207 to*, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL’S DIGEST

AB 2191, as amended, Norby. Political Reform Act of 1974: county central committees.

The Political Reform Act of 1974 requires elected officers, candidates for elective office, and committees to prepare and file various campaign finance reports, as specified. ~~The act defines “committee” to include, among other things, any person or combination of persons who directly or indirectly receive contributions totaling \$1,000 or more in a calendar year. The act defines “elective office” to expressly include membership on a county central committee of a qualified political party, thereby making elected members of, and candidates for election to, a county central committee of a qualified political party subject to the reporting requirements of the act.~~

~~This bill would revise the definition of “elective office” to exclude membership on a county central committee of a qualified political party and would revise the definition of “committee” to exclude an entity that is primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.~~

This bill would exempt an elected member of, or a candidate for election to, a county central committee of a qualified political party

who receives contributions of less than \$1,000 and who makes expenditures of less than \$1,000 in a calendar year from the requirements to file specified campaign statements.

The act imposes limitations on contributions by persons to candidates for elective state office and permits local jurisdictions to impose additional contribution limitations, as specified. The act also authorizes a local agency to impose additional filing requirements on a person, except as specified.

This bill would prohibit a local government agency from imposing any filing requirements on ~~an elected member of, or a candidate~~ *a candidate* for election to, a county central committee of a qualified political party *who receives contributions of less than \$1,000 and who makes expenditures of less than \$1,000 in a calendar year.* The bill would also prohibit a local ~~agency jurisdiction~~ from imposing any contribution limitations or prohibitions on ~~an elected member of, or a candidate~~ *a candidate* for election to, a county central committee of a qualified political party, or on a committee primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.

~~The Political Reform Act of 1974, an initiative measure, provides that the act may be amended by a statute that becomes effective upon approval of the voters.~~

~~This bill would require the Secretary of State to submit the provisions of the bill that would amend the Political Reform Act of 1974 to the voters for approval at a statewide election, as specified.~~

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a ²/₃ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: ~~majority~~²/₃. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84207 is added to the Government Code,
- 2 to read:
- 3 84207. (a) An elected member of, or a candidate for election
- 4 to, a county central committee of a qualified political party who
- 5 receives contributions of less than one thousand dollars (\$1,000)

1 *and who makes expenditures of less than one thousand dollars*
 2 *(\$1,000) in a calendar year shall not be required to file any*
 3 *campaign statements required by this chapter.*

4 *(b) Notwithstanding Sections 81009.5 and 81013, a local*
 5 *government agency shall not impose any filing requirements on*
 6 *an elected member of, or a candidate for election to, a county*
 7 *central committee of a qualified political party who receives*
 8 *contributions of less than one thousand dollars (\$1,000) and who*
 9 *makes expenditures of less than one thousand dollars (\$1,000) in*
 10 *a calendar year.*

11 *SEC. 2. Section 85703 of the Government Code is amended to*
 12 *read:*

13 85703. (a) Nothing in this act shall nullify contribution
 14 limitations or prohibitions of any local jurisdiction that apply to
 15 elections for local elective office, except that these limitations and
 16 prohibitions may not conflict with the provisions of Section 85312.
 17 *However, a local jurisdiction shall not impose any contribution*
 18 *limitations or prohibitions on an elected member of, or a candidate*
 19 *for election to, a county central committee of a qualified political*
 20 *party, or on a committee primarily formed to support or oppose*
 21 *a person seeking election to a county central committee of a*
 22 *qualified political party.*

23 (b) Limitations and prohibitions imposed by a local jurisdiction
 24 on payments for a member communication, as defined in
 25 subdivision (c), that conflict with Section 85312 and which are
 26 thereby prohibited by subdivision (a) include, but are not limited
 27 to, any of the following:

28 (1) Source restrictions on payments for member communications
 29 that are not expressly made applicable to member communications
 30 by a state statute or by a regulation adopted by the ~~commission~~
 31 *Commission* pursuant to Section 83112.

32 (2) Limitations on payments to a political party committee for
 33 a member communication that are not expressly made applicable
 34 to member communications by a state statute or by a regulation
 35 adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

36 (3) Limitations on the scope of payments considered directly
 37 related to the making of a member communication, including costs
 38 associated with the formulation, design, production, and
 39 distribution of the communication such as surveys, list acquisition,
 40 and consulting fees that are not expressly made applicable to

1 member communications by a state statute or by a regulation
2 adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

3 (c) For purposes of this section, “member communication”
4 means a communication, within the meaning of Section 85312, to
5 members, employees, shareholders, or families of members,
6 employees, or shareholders of an organization, including a
7 communication by a political party to a member who is registered
8 as expressing a preference for that party on his or her affidavit of
9 registration pursuant to Sections 2150, 2151, and 2152 of the
10 Elections Code.

11 *SEC. 3. The Legislature finds and declares that this bill furthers*
12 *the purposes of the Political Reform Act of 1974 within the meaning*
13 *of subdivision (a) of Section 81012 of the Government Code.*

14 ~~SECTION 1. Section 81009.5 of the Government Code is~~
15 ~~amended to read:~~

16 ~~81009.5. (a) A local government agency that has enacted,~~
17 ~~enacts, amends, or repeals an ordinance or other provision of law~~
18 ~~affecting campaign contributions and expenditures shall file a copy~~
19 ~~of the action with the Commission.~~

20 ~~(b) Notwithstanding Section 81013, a local government agency~~
21 ~~shall not enact any ordinance imposing filing requirements~~
22 ~~additional to or different from those set forth in Chapter 4~~
23 ~~(commencing with Section 84100) for elections held in its~~
24 ~~jurisdiction unless the additional or different filing requirements~~
25 ~~apply only to the candidates seeking election in that jurisdiction,~~
26 ~~their controlled committees or committees formed or existing~~
27 ~~primarily to support or oppose their candidacies, and to committees~~
28 ~~formed or existing primarily to support or oppose a candidate or~~
29 ~~to support or oppose the qualification of, or passage of, a local~~
30 ~~ballot measure which is being voted on only in that jurisdiction,~~
31 ~~and to city or county general purpose committees active only in~~
32 ~~that city or county, respectively. However, a local government~~
33 ~~agency shall not impose any filing requirements on elected~~
34 ~~members of, or candidates for election to, a county central~~
35 ~~committee of a qualified political party or on committees primarily~~
36 ~~formed to support or oppose a person seeking election to a county~~
37 ~~central committee of a qualified political party.~~

38 ~~SEC. 2. Section 82013 of the Government Code is amended~~
39 ~~to read:~~

1 ~~82013. “Committee” means any person or combination of~~
2 ~~persons who directly or indirectly does any of the following:~~

3 ~~(a) Receives contributions totaling one thousand dollars (\$1,000)~~
4 ~~or more in a calendar year.~~

5 ~~(b) Makes independent expenditures totaling one thousand~~
6 ~~dollars (\$1,000) or more in a calendar year.~~

7 ~~(c) Makes contributions totaling ten thousand dollars (\$10,000)~~
8 ~~or more in a calendar year to or at the behest of candidates or~~
9 ~~committees.~~

10 ~~A person or combination of persons that becomes a committee~~
11 ~~shall retain its status as a committee until that status is terminated~~
12 ~~pursuant to Section 84214.~~

13 ~~“Committee” does not include an entity primarily formed to~~
14 ~~support or oppose a person seeking election to a county central~~
15 ~~committee of a qualified political party.~~

16 ~~SEC. 3. Section 82023 of the Government Code is amended~~
17 ~~to read:~~

18 ~~82023. “Elective office” means any state, regional, county,~~
19 ~~municipal, district, or judicial office that is filled at an election.~~
20 ~~“Elective office” also includes membership through election on~~
21 ~~the Board of Administration of the Public Employees’ Retirement~~
22 ~~System or the Teachers’ Retirement Board. “Elective office” does~~
23 ~~not include membership on a county central committee of a~~
24 ~~qualified political party.~~

25 ~~SEC. 4. Section 85703 of the Government Code is amended~~
26 ~~to read:~~

27 ~~85703. (a) Nothing in this act shall nullify contribution~~
28 ~~limitations or prohibitions of any local jurisdiction that apply to~~
29 ~~elections for local elective office, except that these limitations and~~
30 ~~prohibitions may not conflict with Section 85312. However, a local~~
31 ~~jurisdiction shall not impose any contribution limitations or~~
32 ~~prohibitions on elected members of, or candidates for election to,~~
33 ~~a county central committee of a qualified political party, or on a~~
34 ~~committee primarily formed to support or oppose a person seeking~~
35 ~~election to a county central committee of a qualified political party.~~

36 ~~(b) Limitations and prohibitions imposed by a local jurisdiction~~
37 ~~on payments for a member communication, as defined in~~
38 ~~subdivision (c), that conflict with Section 85312 and which are~~
39 ~~thereby prohibited by subdivision (a) include, but are not limited~~
40 ~~to, any of the following:~~

1 ~~(1) Source restrictions on payments for member communications~~
2 ~~that are not expressly made applicable to member communications~~
3 ~~by a state statute or by a regulation adopted by the Commission~~
4 ~~pursuant to Section 83112.~~

5 ~~(2) Limitations on payments to a political party committee for~~
6 ~~a member communication that are not expressly made applicable~~
7 ~~to member communications by a state statute or by a regulation~~
8 ~~adopted by the Commission pursuant to Section 83112.~~

9 ~~(3) Limitations on the scope of payments considered directly~~
10 ~~related to the making of a member communication, including costs~~
11 ~~associated with the formulation, design, production, and~~
12 ~~distribution of the communication such as surveys, list acquisition,~~
13 ~~and consulting fees that are not expressly made applicable to~~
14 ~~member communications by a state statute or by a regulation~~
15 ~~adopted by the Commission pursuant to Section 83112.~~

16 ~~(e) For purposes of this section, “member communication”~~
17 ~~means a communication, within the meaning of Section 85312, to~~
18 ~~members, employees, shareholders, or families of members,~~
19 ~~employees, or shareholders of an organization, including a~~
20 ~~communication by a political party to its members who are~~
21 ~~registered with that party.~~

22 ~~SEC. 5. The Secretary of State shall, pursuant to subdivision~~
23 ~~(b) of Section 81012 of the Government Code, submit Sections 1~~
24 ~~to 4, inclusive, of this act to the voters for approval at a statewide~~
25 ~~election in accordance with Section 9040 of the Elections Code.~~